

GAHC010048482024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/577/2024

MOSHAROF ALI @ MUZAROF AHMED
S/O SIDDIQUE ALI,
PRESENT ADDRESS
VILLAGE ALOMGANJ PART VII, PO RANGAMATI, PS GAURIPUR, DIST
DHUBRI ASSAM
PERMANENT ADDRESS
VILLAGE CHOUTARA, PO RANGAMATI, PS GAURIPUR, DIST DHUBRI,
ASSAM
THE PETITIONER BEING A MINOR IS REPRESENTED BY HIS FATHER
SIDDIQUE ALI, S/O LATE MOSLEM ALI

VERSUS

THE STATE OF ASSAM AND ANR
REP BY THE PP ASSAM

2:JAMIRAN NESSA
D/O JABED ALI MONDAL
VILLAGE RANGAMATI PART II
PS GAURIPUR
DIST DHUBRI
ASSAM
THE INFORMANT BEING MINOR IS REP. BY HER FATHER
JABED ALI MONDA

Advocate for the Petitioner : MR. A Z AHMED

Advocate for the Respondent : PP, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN
ORDER**

23.04.2024

Heard Mr. A.Z. Ahmed, learned counsel for the applicant and Mr. B. Sarma, learned Additional Public Prosecutor for the State respondent.

2. Apprehending arrest in connection with **Bagribari P.S. Case No. 107/2023**, under Sections 365/376(3)/506 IPC, read with Section 4 of the POCSO Act, this application under Section 438 Cr.P.C. is preferred by applicant namely, **Mosharof Ali @ Muzarof Ahmed**, for grant of pre-arrest bail.

3. It is to be noted here that the above-noted case has been registered on the basis of an FIR lodged by one Smt. X (name withheld), on 02.09.2023. The essence of allegation made in the aforesaid FIR is that on 01.09.2023, at about 8:30 a.m., the informant came to Markaz Academy situated at Panbari, but she found the school closed on that day, which she was not aware of and then her boy friend Sofiqul Islam along with of his friends, namely, Muzarof Ahmed and Raju came there in one Maruti car and asked her to board on the vehicle, assuring to drop her in her house, but instead of dropping her in her house, they have taken her towards Bagribari and thereafter, to another place, namely, Angarkata and there Sofiqul Islam committed rape upon her under threat.

4. Mr. Ahmed, learned counsel for the applicant submits that this Court was pleased to grant interim protection to the applicant, vide order dated 01.04.2024, and pursuant to the said order, the applicant has appeared before the IO and has been cooperating with the investigating agency and therefore, it is contended to make the interim order dated 01.04.2024, absolute in the same

terms and conditions.

5. On the other hand, Mr. Sarma, learned Additional Public Prosecutor by producing the case diary before this court, confirms that the applicant has appeared before the IO and his statement is recorded and that material part of investigation is almost over.

6. Having heard the submissions of learned Advocates of both sides, I have carefully gone through the petition as well as the documents placed on record and also perused the Case Diary with the assistance of learned Additional Public Prosecutor.

7. In view of the submissions of learned counsel for both the parties and also considering the fact that the applicant has been cooperating with the investigating agency and that of the progress of investigation, this Court is of the view that the custodial interrogation of the applicant seems to be unwarranted here in this case. And therefore, this Court is inclined to make the interim order dated **01.04.2024, absolute** in the same terms and condition.

8. In terms of above this AB stands disposed of.

9. The case diary be returned.

Comparing Assistant

JUDGE